

## **RULE 6. RETURN DAYS**

All citations shall be made returnable not later than three months after the date of such citation except as otherwise provided by statute. Every day when a court session is scheduled in the city or town where the Registry is located shall be a return day for probate citations.

If it shall appear from the petition that there is anyone interested who is outside the Commonwealth in any part of the United States, its Commonwealths or territories and North America service of any citation shall be given by mailing by registered or certified mail fourteen days at least before the return day; if in Europe, one month; in other parts, two months. If all persons interested appear to be within the Commonwealth, service of any citation shall be given by delivering or mailing by certified, registered or ordinary first class mail at least fourteen days before the return day. If any person interested is of parts unknown, service of any citation shall be given by delivery or mailing to the last known address at least two months before the return day and by publishing a copy of the citation once in a newspaper designated by the Register of Probate having general circulation in the county where the proceeding is pending at least seven days before the return date.

There shall be only one return day outstanding, and no return day shall be changed or extended before the return day unless it is certified in writing by the party or his attorney that no service has been made on the original citation. Notwithstanding the foregoing, if counsel is appointed to represent an alleged incapacitated person, incapacitated person, person to be protected, protected person, minor or ward at any point prior to the entry of a Decree on the petition, the Court may provide a separate date by which said counsel may file an Appearance and Objection.

Amended December 15, 1986, effective January 2, 1987; amended June 24, 2009, effective July 1, 2009; amended \_\_\_\_\_, effective \_\_\_\_\_.

### **Reporter's Notes –**

The second paragraph was amended as a result of the enactment of the Massachusetts Uniform Probate Code, G.L. c. 190B.